

**TOWN OF DAVIE
WORKSHOP MEETING
MARCH 10, 2005**

The meeting was called to order at 6:03 p.m.

Present at the meeting were Mayor Truex, Vice-Mayor Paul, Councilmember Crowley, Councilmember Hubert and Councilmember Starkey. Also present were Mr. Cohen, Town Attorney Kiar and Town Clerk Muniz recording the meeting.

Development Services Director Mark Kutney referred to a memorandum he had provided to Council with regard to continuing the discussion about rewriting the Land Development Code. He voiced staff's concern about projects it could not allocate enough hours for, in addition to piecemeal amendments which would make it difficult to rewrite the Code. Mr. Kutney stated that one issue affecting the re-write was consultants not completing projects as specified. He indicated that the Code was badly put together as it was not self-contained and contained obscure sections that affected staff's advice on certain projects. Mr. Kutney felt that continued building and further development toward build-out would be negatively impacted by not having enough Code elements in place. He added that landscaping, open space and a possible local road impact fee, which would support any Code rewrite, needed to be addressed. Mr. Kutney advised that staff estimated a full Code rewrite would take about two years, inclusive of the adoption process and other potential concerns.

Mr. Kutney stated that staff felt it was in the Town's best interest to have a consultant come in to re-write the Code while staff continued to work on applications. He suggested exempting certain areas from having zoning-in-progress applied to them. Mr. Kutney spoke of recent resignations which hurt staff's ability to keep projects up to speed. He pointed out that while he and other staff members were qualified to re-write the Code, their overall workload precluded them from sinking their teeth into the project. Mr. Kutney indicated that staff estimated a project of this size with a general consultant, along with other specialists, would likely fall into the \$200,000-\$250,000 range.

Mayor Truex asked whether the Code re-write was an urgent need. Mr. Kutney responded in the affirmative and advised that staff's workload only allowed for a piecemeal approach to making Code amendments. He felt staff was not doing the Code justice with this approach. Mr. Kutney pointed out that it was time for a major re-write as the standard time frame for this was 15-20 years.

Councilmember Crowley asked whether staff had been doing minor updates on the Code. Mr. Kutney responded in the affirmative and advised that staff tried to prioritize these based on what was important to Council. Councilmember Crowley asked about the urgency with regard to budgeting and whether this could be budgeted for the next fiscal year. Mr. Kutney felt it was good to start seeking out funds for some aspects of this project. He indicated that staff would send out an RFP for consultants, who would send their proposals to the Town for staff to review.

Councilmember Crowley asked if the process would slow down existing development. Mr. Kutney explained that the Town could try to do a zoning-in-progress for the entire Town, but pointed out that there had to be some idea of the regulations in order to allow building to continue. He referred to Vice-Mayor Paul's prior suggestion to exempt certain areas from the zoning-in-progress.

Vice-Mayor Paul suggested exempting single-family homes and that this issue came about as a result of talking with Bill Laystrom, who was concerned about Council tagging on additional requirements after clients met Code. She reminded Council that the Town had changed its mission since the existing Code was written. Vice-Mayor Paul felt as long as Council did not re-vamp the Code, it would continue to request things above and beyond from developers who had already met Code. She indicated that there were monies in reserve in the Planning and Zoning Division that could only be used in that division. Vice-Mayor Paul was under the impression that staff would be able to use monies from that

TOWN COUNCIL MINUTES

MARCH 10, 2005

reserve fund. Mr. Kutney advised that this was a possibility but staff had to ascertain what dollars would be left after addressing the Downtown Davie issue.

Councilmember Hubert asked if Mr. Kutney and Deputy Planning and Zoning Manager Marcie Nolan were both qualified to re-write the Code, why the Town could not hire another employee of the same caliber, which would cost less than \$200,000. Mayor Truex pointed out that additional experts such as traffic consultants were needed, beyond staff's abilities. He questioned if the \$200,000 figure factored in legal costs. Mr. Kutney responded in the negative.

Councilmember Hubert suggested that it would be cheaper to hire an employee on contract to work exclusively on this project, and then send out an RFP only for the specialists needed. Mr. Kutney felt this required caution and pointed out that staff was having a number of problems currently filling open positions. Councilmember Hubert pointed out that since this would be a contractual position, the Town could go outside the area to find the employee. Mayor Truex indicated that Mr. Kutney and Ms. Nolan had specific knowledge of the Town that outside employees would not have. Mr. Kutney advised that staff would still be very involved in the process, as a consultant would require several areas of input from staff. Councilmember Hubert felt it made no difference whether a consultant or a contractual employee were used, as neither would know the Town's Code inside out. Vice-Mayor Paul pointed out that with the current difficulty filling full-time positions, it was hard to imagine finding someone wanting to work for only one year on a specific project.

Assistant Town Administrator Ken Cohen stated that the Town would basically end up with a contract employee either way. He did not feel there would be a cost savings one way or the other, and felt it was probably more efficient to go outside to get the expertise needed.

Councilmember Starkey asked about using one of the universities as a partner and spoke of the FIU and FAU land development programs, who had professional staff who might want to take this on as possible doctoral projects. Mr. Kutney felt this would not be a problem but cautioned against getting individuals who were not experienced in the field. Councilmember Starkey indicated that she would want the Town's philosophies to come first and felt that some of the universities might find it a challenge for their students to partner with the Town in this effort. Vice-Mayor Paul spoke of a past partnership project with Nova Southeastern University, which fell apart because the students did not participate as needed due to time constraints.

Councilmember Starkey voiced her concern about the costs and the Town's ability to balance several projects. She felt that the longer this issue was postponed, the more difficult it would be to get changes into every site plan or development plan that came before Council. Councilmember Starkey stated that Council had been taking a band-aid approach, but was also concerned about funding. She suggested grouping some portions of the project and contracting them out, then looking long-term at next year's budget for the remainder. Councilmember Starkey was interested in Vice-Mayor Paul's suggestion regarding using the funds in Development Services as an option, after identifying costs for Downtown Davie. She stated that the mid-year figures would give the Town a better idea of where it stood. She recommended grouping and budgeting out some projects according to consultants and timelines. Councilmember Starkey spoke of public art which she wanted incorporated into the project.

Mr. Kutney indicated that staff could ask existing consultants for ballpark figures to see if they matched up with staff's estimate. Councilmember Starkey asked Mr. Kutney if it would be possible to break the project down into different pieces such as environmental or water issues, when getting the quotes from the consultants, then pricing portions that are more complicated later. Mr. Kutney asked if Council wanted staff to bring back a breakdown first. Mr. Cohen suggested giving Mr. Kutney time to put together a timeline which would better allow him to break down the project and approach existing consultants. He felt this would likely be prepared by the end of April.

TOWN COUNCIL MINUTES

MARCH 10, 2005

Vice-Mayor Paul indicated that if Mr. Kutney's timeline and cost estimates determined that the funds were available, then the Town could move forward. She felt there were the three vital priorities to begin with: 1) landscaping to retain the existing tree canopy; 2) the creation of a local roadway network; and 3) the incorporation of the new Central Broward Water Control District's Codes into the Town's Code. Vice-Mayor Paul spoke of other issues such as commercial properties using ~~dyes in~~ landscaping which died and insufficient landscaping needed to be addressed. She pointed out that the longer the Town waited, the more difficult the Code re-write would be. Mayor Truex asked if the ~~dyes used in landscaping had to be changed in compliance~~ landscaping died, the landscaping would have to be replaced with what was approved in the site plan. Vice-Mayor Paul responded in the affirmative but felt with some individuals, it was easier to pay fines than comply. Mr. Kutney indicated that regarding Code compliance, he and Code Compliance Supervisor Danny Stallone had spoken about possibly bridging the gap with one of the inspectors with landscaping background so staff would not be so tied up on these issues.

Vice-Mayor Paul stated that the Land Trust was ~~not~~ now in a position where they were using less of staff's time ~~and~~ because they were becoming more self-sufficient. Councilmember Starkey felt the Land Trust needed to be self-sufficient and pointed out that Ms. Nolan and Mr. Orfanedes had spent a lot of time on this project. She felt their time was needed back on staff. Councilmember Starkey stated that when Mr. Orfanedes came on board, they had anticipated addressing key landscaping issues. Mr. Kutney indicated that Mr. Orfanedes' workload involved a lot of time on compliance issues.

Mayor Truex respected Mr. Kutney's recommendations and expertise with regard to this issue. He disagreed with Vice-Mayor Paul and felt the Town's Code was adequate in many areas but needed to be "beefed up" in others. Mayor Truex voiced his concern about costs but indicated he wanted Council to bite the bullet and go with the comprehensive re-write. He felt prioritizing some projects would still result in problems two years from now when the Code elements did not fit together. Mayor Truex voiced his support for starting some projects at a lower cost right away, but was not enthusiastic about incurring obligations within this budget year. Mayor Truex wanted to know what else the reserve fund in Development Services could be used for and felt there were a lot of items in the general budget that these funds could be used for. He was against a zoning-in-progress exempting out certain areas as felt it would be more appropriate to exempt out specific items where necessary, rather than have a Town-wide zoning-in-progress exempting out certain items.

Vice-Mayor Paul asked what the Town could do legally to inform applicants that a re-write was in progress, which would have to be adhered to upon completion. Mr. Kutney advised that if an applicant was within a year of filing, staff could inform them of the re-write and any possible zoning-in-progress, which would have to be met. He pointed out that there would be no problem until an application was filed. Mr. Kiar advised that an applicant would have to show that they relied on and spent funds according to what the Town did. Mr. Kiar stated that with a zoning-in-progress, an applicant would be bound by any regulations in place.

Councilmember Starkey stated that with a total re-write the Town should indicate what areas it was concentrating on for the purpose of improving quality of life. Mr. Kutney agreed. Councilmember Starkey wanted the re-write to include clear definition of the Town's goals and requested that staff prepare a timeline and costs to bring back to Council. Mr. Kutney stated that amending the Code piecemeal could bring in more problems and stated that with a re-write the process would be a more seamless process.

Councilmember Starkey felt the Town could do better with its cost-recovery program and indicated that a cost-recovery consultant could make recommendations to better meet the Town's goals. She wanted to organize a group of individuals to improve the cost-recovery program using the Economic Development Committee, the Chamber, members of the public, and staff. Vice-Mayor Paul asked if this

TOWN COUNCIL MINUTES
MARCH 10, 2005

process would also include some re-writes. Mr. Kutney indicated only the cost-recovery ordinance would be involved.

Mayor Truex summed up action points as follows: 1) staff would check on costs for this project, and 2) staff would check on the status of the reserve funds in Development Services to ascertain how they could be used. Mr. Cohen indicated that staff would provide a timeline, an analysis of the first half of the year, and the Downtown Davie costs, by the second half of April. Mr. Kutney advised that as of September 30, 2004, the reserve funds held \$7,020,000, which would increase by the middle of this year.

Councilmember Crowley requested that the schedule for this fiscal year and next fiscal year be provided. Mr. Cohen agreed and indicated that staff would provide the project timeline along with functions and their related costs. Councilmember Starkey requested that the functions be grouped according to consultants. She also requested that the public art component be included.

There being no further business to discuss, and no objections, the meeting was adjourned at 7:02 p.m.

Approved _____

Mayor/Councilmember

Town Clerk